

## **Assembly Bill No. 236**

### **CHAPTER 223**

An act to amend Sections 2051 and 2067 of the Labor Code, relating to car washes.

[Approved by Governor October 11, 2009. Filed with  
Secretary of State October 11, 2009.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 236, Swanson. Employment: car washes.

Existing law, until January 1, 2010, regulates the employment practices of car washes and defines the term "employer" for the purpose of those provisions.

This bill would extend that repeal date to January 1, 2014, and would specify that a new motor vehicle dealer or an automotive repair dealer, as those terms are defined, is not an employer for purposes of these regulatory provisions.

*The people of the State of California do enact as follows:*

SECTION 1. Section 2051 of the Labor Code is amended to read:

2051. As used in this part:

(a) "Car washing and polishing" means washing, cleaning, drying, polishing, detailing, servicing, or otherwise providing cosmetic care to vehicles. "Car washing and polishing" does not include motor vehicle repair, as defined in Section 9880.1 of the Business and Professions Code.

(b) (1) "Employer" means any individual, partnership, corporation, limited liability company, joint venture, or association engaged in the business of car washing and polishing that engages any other individual in providing those services.

(2) "Employer" does not include any charitable, youth, service, veteran, or sports group, club, or association that conducts car washing and polishing on an intermittent basis to raise funds for charitable, education, or religious purposes. "Employer" does not include any licensed vehicle dealer or car rental agency that conducts car washing and polishing ancillary to its primary business of selling, leasing, or servicing vehicles. "Employer" does not include either a new motor vehicle dealer, as defined in Section 426 of the Vehicle Code, that is primarily engaged in the business of selling, leasing, renting, or servicing vehicles or an automotive repair dealer, as defined by subdivision (a) of Section 9880.1 of the Business and Professions Code, who is primarily engaged in the business of repairing and diagnosing malfunctions of motor vehicles. "Employer" does not include any self-service

car wash or automated car wash that has employees for cashiering or maintenance purposes only.

(c) “Employee” means any person, including an alien or minor, who renders actual car washing and polishing services in any business for an employer, whether for tips or for wages, and whether wages are calculated by time, piece, task, commission, or other method of calculation, and whether the services are rendered on a commission, concessionaire, or other basis.

(d) “Commissioner” means the Labor Commissioner.

SEC. 2. Section 2067 of the Labor Code is amended to read:

2067. This part shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.